

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA LLC,
F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484

**MOTION FOR LEAVE TO FILE RESPONSE
TO PLAINTIFF'S NEW ARGUMENTS**

Defendants Laura Ricciardi, Moira Demos, and Chrome Media LLC (collectively, the “Producer Defendants”), by their attorneys, move the Court for leave to file the proposed Response by Defendants Laura Ricciardi, Moira Demos, and Chrome Media LLC to Plaintiff’s New Arguments at the December 19, 2019 Hearing, filed with this Motion. The grounds for this Motion are as follows:

1. At the December 19, 2019 hearing in this action, Plaintiff’s counsel made a new argument, based on Wis. Stat. § 893.15. Hr’g Tr. at 31:3-32:25. Plaintiff’s counsel never before had mentioned or relied on that statute in any of its briefing in this case. Hence, the Court should not consider Plaintiff’s new argument. *See, e.g., Quality Oil, Inc. v. Kelley Partners, Inc.*, 657 F.3d 609, 614-15 (7th Cir. 2011) (“[A]rguments raised for the first time at oral argument are waived.”).

2. If the Court chooses to address the new argument, however, then as a matter of fairness, the Producer Defendants should have an opportunity to respond to the argument.

3. The Producer Defendants are filing with this Motion a proposed Response to Plaintiff's New Arguments. Permitting the Producer Defendants to file the Response should not delay the Court's decision on the Producer Defendants' pending dispositive motion.

WHEREFORE, for the reasons stated in this Motion and based on the entire record in this action, the Producer Defendants ask the Court to permit them to file their proposed Response.

Dated: January 6, 2020

Respectfully submitted,

s/ James A. Friedman

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